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IN THE UNITED STATES DISTRICT COURT

FOR THE DISTRICT OF OREGON

EUGENE DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

ANNE HANKINS,

Defendant.

CASE NO. 6:22-cr-00317-MC

**DECLARATION OF COUNSEL IN
SUPPORT OF DEFENDANT ANNE
HANKINS' REPLY TO
GOVERNMENT'S RESPONSE TO
MOTION TO DISMISS**

I, Katherine Marchant, for my declaration pursuant to 28 U.S.C. § 1746, state:

1. I am one of the attorneys representing Anne Hankins in the above-captioned case.
2. I make this declaration in support of Ms. Hankins' Reply to the Government's Response to Motion to Dismiss.
3. I have knowledge of the matters in this declaration based on (i) my own personal information; (ii) what I have learned reviewing documents; and (iii) what has been related to me.
4. On September 28, 2022, the U.S. Attorney's Office issue a press release announcing the entry of Ms. Hankins' guilty plea. A true and accurate copy of that press release was attached as "Exhibit 6" to the Declaration of Counsel in Support of Defendant's Motion

to Dismiss, which was filed on November 7, 2022. It is defense counsel's understanding that the prosecution had the press release in its possession and available for review at least 24 hours prior to its publication. Defense counsel has not been provided with information regarding the preparation of the press release nor the motives behind its drafting and release. Defense counsel believes that such information is relevant to the flagrancy of the Government's conduct and intends to elicit such information at an evidentiary hearing on the Motion to Dismiss.

5. At an evidentiary hearing on the Motion to Dismiss, defense counsel also intends to present expert testimony regarding the capacity of the government's statements to influence the public perception of Ms. Hankins, which would include potential witnesses. And how the language of the press release creates bias in the minds of those exposed to it. This evidence is relevant to the question of whether Ms. Hankins suffered prejudice as a result of the Government's misconduct.
6. In addition, defense counsel intends to present evidence regarding defense counsel's ongoing investigation. This would include, for example, evidence that a witness who was previously interviewed by the Government in the course of its criminal investigation, and who was closely associated with the festivals at issue, will no longer speak with the defense. It is defense counsel's good faith belief and understanding that this witness has information that would have been relevant and favorable to Ms. Hankins at sentencing. And, furthermore, that this witness would have been willing to speak with the defense prior to the Government's publication of the press release.
7. As another example, defense counsel intends to present evidence that other potential witnesses, who the defense also believes would have been helpful to Ms. Hankins, have

sought to minimize the extent of their relationship with her following the press release's publication. Such witnesses have recently reported that they did not work closely with Ms. Hankins, yet, before the press release was issued, they had made public comments that indicated otherwise.

I declare, under penalty of perjury, that the foregoing is true and correct to the best of my knowledge and belief.

DATED this 9th day of December 2022

Respectfully submitted,

s/Katherine Marchant
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